IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 18416 of 1995

Between:

1 M.V.Subbanna S/o Lakshmaiah
R/o Basinikonda colony,Madanapalle Chittor District
2 C.Lakshminarayana S/o Venkataramana
R/o Basinikonda colony,Madanapalle Chittor District
3 D.Venugopal S/o Fakeerappa
R/o Basinikonda colony,Madanapalle Chittor District

..... PETITIONERS

AND

1 Government of Andhra Pradesh Secretary Revenue

Department, Secretariat, Hyderabad
2 The Revenue Divisional Officer
Mandanapalle Chittor District
3 The Mandel Revenue Divisional officer
Mandanapalle Chittor District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Certiorari or any other appropriate writ or order or direction, calling for the entire records from the 3rd respondent and quash the proceedings of the 3rd respondents issued in proceedings No.RCC.H/1223/95,dt 5-8-1995 relating to the lands situated in S.Nos. 1099-3,1101-3A1056-1,1101-3b and 1100-5 of Basinikonda Villaga of Mandanapalle Revenue Mandal, Chittoor District belonging to the petitioners.

Counsel for the Petitioners: MR.C.V.N.REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition has been filed seeking a direction to call for the records from the 3rd respondent and quash the proceedings in ROC.H/1223/95 dated 5-8-1995 relating to the lands situated in S.Nos.1099-3,1101-3A,1056-1,11-1-3B and 1100-5 of Basinikonda village.

The brief back ground of the dispute is as under:

The1st and 2nd petitioners who worked in the Indian Army, and the 3rd petitioner being land less poor, made applications to the 3rd respondent for assignment of lands. Subsequently, they were granted pattas and in pursuance of the same DKT pattas were also issued by the 3rd respondent. Thereafter, they approached the Manager of the Indian Bank for grant of loan in order to raise Mango orchids. On the sanction of the loan by the bank authorities, the petitioners made improvements to their respective lands and raised Mango and Teak saplings in the month of March, 1995.

All of a sudden, in the month of August, 1995, at the instance of 2nd the respondent, the 3rd respondent issued notices to the petitioners stating that the lands assigned to them were liable for resumption under condition No.17 stipulated in the patta on the ground that they were required for public purpose and they were called upon to explain, as to why the lands assigned to them shall not be taken.

On enquiry, they came to know that the 3rd respondent has no jurisdiction to initiate proceedings for resumption of lands. Hence, the writ petition.

It is apparent from the record that the writ petition is filed against the impugned notice only and no explanation has also been submitted by the petitioners. Therefore the case of the petitioners is at the threshold of the authorities and as such, this is at a premature stage.

In the above circumstances, without expressing any opinion on the merits of the case, I am of the opinion that it would suffice, if the petitioners are permitted to submit their explanations pursuant to the notices impugned within a period of eight weeks. On such filing of the explanations, the authorities concerned are directed to consider the same in accordance with law within a period of three months thereafter. However, it is made clear that the interim stay granted by this Court on 17-08-1995 shall be continued till passing of the orders on the explanations submitted by the petitioners.

Subject to the above direction, this writ petition is disposed of.

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25-11-2004

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To

1 Secretary, Government of Andhra Pradesh, Revenue

Department, Secretariat, Hyderabad.
2 The Revenue Divisional Officer
Mandanapalle Chittor District
3 The Mandel Revenue Divisional officer
Mandanapalle Chittor District

4 Two CCs to GP for Revenue, High Court buildings, Hyderabad

(OUT)

5 Two CD copies.